

REMARKS

Original independent claim 1 was alternatively rejected under 35 U.S.C. § 102 as anticipated by Gilmour U.S. Patent No. 2,536,167; the Vita-Mix document; Dadson U.S. Patent No. 4,219,162; or Warren U.S. Patent No. 930,444. Claim 1 has been amended to include, *inter alia*, the recitations of claim 11. Since original claim 11 was rejected under 35 U.S.C. § 102 only in view of Gilmour or Dadson, only those rejections remain in issue relative to amended claim 1.

In addition to the recitations of claim 11, claim 1 has been amended to recite that the base of the plunger has a rim "extending upwardly therefrom to press into said seal." This is rim (44) which presses into seal (42) to provide a more thorough sealing function than the prior art. The Gilmour and Dadson prior art cited by the Examiner discloses that which is typical of prior art seals. That is, the sealing function is accomplished by one flat surface engaging another flat surface. Thus, in Gilmour, a flat surface on a flange (12) engages a flat surface on a gasket (5), and in Dadson, a valve (16) presses against a washer (19). But this prior art does not teach a rim extending upwardly from a plunger base to press or dig into a seal to provide a better sealing function than is provided by two flat surfaces in contact with each other.

Thus, it is believed that claim 1 is in condition for allowance, and reconsideration by the Examiner is requested. As such, claims 2-10 and 12-19 which depend from claim 1 should also be in condition for allowance. However, as will hereinafter be discussed, at least some of these claims contain recitations rendering them allowable of their own merit.

Independent claim 20 was rejected under 35 U.S.C. § 102 as anticipated by Gilmour, and has now been amended to include the recitations of claim 24. Although the "Office Action Summary" indicated that claim 24 was rejected, the "Detailed Action" makes no specific rejection of claim 24. There is a very good reason for this silence. That is, the art of record simply does not disclose a rib extending from a shelf to press into the seal.

Based upon a review of the entire Office Action, Applicants note that claim 3 included that recitation, and it was rejected under 35 U.S.C. § 102

based on Warren. If the Examiner is of the belief that Warren anticipates claim 3, presumably the Examiner may be of the belief that Warren is relevant to original claim 24, and thus, amended claim 20. Therefore, for the sake of compact prosecution, Applicants will address the lack of applicability of Warren to claim 20.

Warren does not even disclose a seal, let alone a rib on a shelf pressing into the seal. When rejecting claims 1-3 based on Warren, the Examiner alleged that Warren's element b was a seal. But b refers to an aperture. Warren, and for the matter no art of record, discloses a shelf having at least one rib pressing into a seal, and thus, the lack of a specific rejection of original claim 24 may well have been intended by the Examiner. In any event, claim 20 and the claims which depend therefrom should be in condition for allowance.

The recitations of claim 29 have now been put into independent claim 28. Thus, the rejection under 35 U.S.C. § 103 of claims 5, 6, 8, 9, 22, 23, 29, 31-33 and 36 based on a combination of Gilmour and Larbuisson U.S. Patent No. 5,806,832 becomes relevant to claim 28 as well. Claims 31-35 have also been rejected under 35 U.S.C. § 103 based on a combination of the Vita-Mix reference and Larbuisson. It is the position of the Applicants that independent claims 28, 31 and 36 (as well as dependent claims 5, 6, 8, 9, 22, 23, 32 and 33) are not rendered unpatentable by these combinations of references based on the following discussion.

It is the position of the Examiner that Gilmour (or Vita-Mix) shows the limitations of the rejected claims except for the connecting device which is allegedly shown by Larbuisson. Even assuming that the Examiner's position is correct relative to the teachings of Gilmour and Vita-Mix, the rejection is improper because Larbuisson does not disclose what the Examiner attributes to it. In fact, **the teachings of Larbuisson are the exact opposite of the device of the Applicants.**

As shown in Fig. 7 of the present application, a connector (61) may be attached to a source of water, such as a faucet, and a connector (62) is positioned between the connector (61) and the hose (50). When the connector

(62) is removed from the connector (61), a spring (68) acts on a valve (66) so that any liquid in the hose (50) will not backflow out of the hose (50) through the connector (61).

The device of Larbuisson is just the opposite. It closes off the primary flow **while intentionally permitting backflow to drain the device**. See Col. 5, lines 25-31 and Col. 6, lines 25, *et seq.* Thus, when the parts of Larbuisson are uncoupled, the fluid downstream is allowed to drain back through the openings (27), the radial bore (21) and the openings (28, 29). As such, if one were to put the coupler according to the teachings of Larbuisson into the Gilmour or Vita-Mix devices, upon uncoupling, all water in the hose would disadvantageously drain from the hose (potentially leaving a mess to clean up).

But the claims at issue require that the spring maintains the valve closed when the device is detached from the source of water **so that water is maintained in the hose**. Larbuisson intentionally drains this water. Thus, not only are claims 28, 31, 36 and the claims dependent therefrom allowable, but also, as previously mentioned, many of the claims dependent from claims 1 and 20 are allowable of their own merit. Reconsideration by the Examiner is requested.

In passing, it should also be pointed out that since claim 36 essentially combines the recitations of original claims 1, 20, 24 and 30, the discussion regarding the lack of applicability of Gilmour to those claims applies to claim 36 as well. Thus, with respect to claim 36, not only are the teachings of Gilmour deficient, but also the combination with Larbuisson does not provide these deficiencies but rather only adds to them.

Although claims 17-19 are allowable, if for no other reason than because of their dependency from claim 1, Applicants note that a separate rejection thereof under 35 U.S.C. § 103 based on the Vita-Mix device has been entered. In this regard, it is the position of the Examiner that providing a nose and a base as two pieces, as opposed to the one-piece construction shown in the prior art, would only involve routine skill and is, therefore, not patentable. For the record, Applicants disagree with this position of the Examiner and

believe that even if claim 1 were not allowable, claims 17-19 would contain allowable subject matter.

Recognizing that the nose of the plunger often wears out quickly, Applicants found a way to make that nose readily replaceable. Such involved more skill than merely making one part into two parts. Rather, the plunger base now must include a stem, and the nose is hollowed out so that it can slip onto the stem. Then the outer wall of the nose must be provided with a slight draft or a taper so that under normal use it will stay in the spray head, but with the application of some degree of force, it can be popped out of the spray head for replacement. Thus, more than routine skill was involved in this instance, and Applicants must ask: If such would only involve routine skill, why does no reference show this feature?

In view of the foregoing amendments and discussions, Applicants believe that claims 1-10, 12-23, 25-28 and 30-36 are in condition for allowance. Reconsideration by the Examiner and the issuance of a Notice of Allowance of these claims is earnestly solicited.

If any issues remain after this amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,



Edward G. Greive, Reg. No. 24,726
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, Ohio 44308-1456
Telephone: (330) 376-1242

Attorney for Applicants

March 28, 2005